

HB 304 -- ETHICS

SPONSOR: Dunn

This bill changes the law regarding ethics and lobbying. In its main provisions, the bill:

(1) Requires full time, paid employees of statewide elected officials who work to influence legislation, certain state or political subdivision employees who receive additional compensation for political activities not related to their official duties, and staff members of the General Assembly to file personal financial statements;

(2) Adds additional criteria to the financial interest statement criteria for those individuals required to file with the Missouri Ethics Commission:

(a) The name, address, and general nature of the business conducted for each limited liability company that the individual had an interest and the date, and category of value of any purchase, sale, or exchange during the preceding calendar year, as specified in the bill;

(b) The identity and category of value of the total liabilities owed to any creditor which exceeds \$10,000 at any time during the preceding calendar year, as specified in the bill;

(c) A description of the date, parties to, and terms of any agreement or arrangement with respect to future employment, a leave of absence during the period of the reporting individual's government service, continuation of payments by a former employer other than this state, and continuing participation in an employee welfare or benefit plan maintained by a former employer;

(d) Any income received by or payments made to an individual in connection with any political campaign; and

(e) Any income, other than income already reported, received by or payments made to the individual by any business entity or organization; the name, address and the general nature of the business conducted by each entity or organization; and the amount of income received by or payments made to the individual in check-off form, as specified in the bill;

(f) File an additional financial interest statement annually not later than June 30. The statement must cover the period including January 1 until May 31, immediately preceding the filing date;

(3) Allows an extension of up to 120 days for additional service as a member of the Missouri Ethics Commission in cases where there are already vacancies on the commission;

(4) Allows the commission to conduct certain types of specified investigations and issue subpoenas;

(5) Creates the Missouri Ethics Commission Enforcement Fund which must be used solely to fund authorized activities of the Missouri Ethics Commission and consists of 50% of specified fees and penalties imposed by the commission excluding any monies reserved to the schools by the Constitution of Missouri. All funds in the Missouri Ethics Commission Enforcement Fund must be deemed additional funding to allow the commission to fulfill the duties required of the commission by state law, and no amount appropriated to the commission for any fiscal year beginning on or after July 1, 2015, will be reduced below the appropriation made for the fiscal year ending on June 30, 2015. The fund may be used to pay for information used in ethics investigations under specified circumstances;

(6) Prohibits candidates from using their candidacy as a sham to conceal the name of another candidate or to divide the opposition and requires the signature of an affidavit to that effect for primary elections;

(7) Prohibits giving, lending, agreeing to give or lend, offering, promising, or endeavoring to procure any money or valuable consideration with the intent of inducing any individual to run for any office in this state if the individual has a name that is identical or similar to another candidate for the same elective public office and would not otherwise run for elective public office but for the inducement. Campaign donations made in accordance with the laws of this state must not be construed to be an inducement;

(8) Changes the crime of obstruction of an ethics investigation from a class A misdemeanor to a class D felony and then to the new class E felony classification beginning in 2017;

(9) Includes the following individuals under the definition of "public governmental bodies" for purposes of Chapter 610, RSMo, commonly known as the Sunshine Law: any public official, statewide elected official, or employee of the state and its agencies when the individuals are operating in their official capacities and using state-funded equipment for their official communications. This rule must be construed to apply to individual members of the General Assembly and the staff or employees of the members.

This bill becomes effective January 1, 2016.